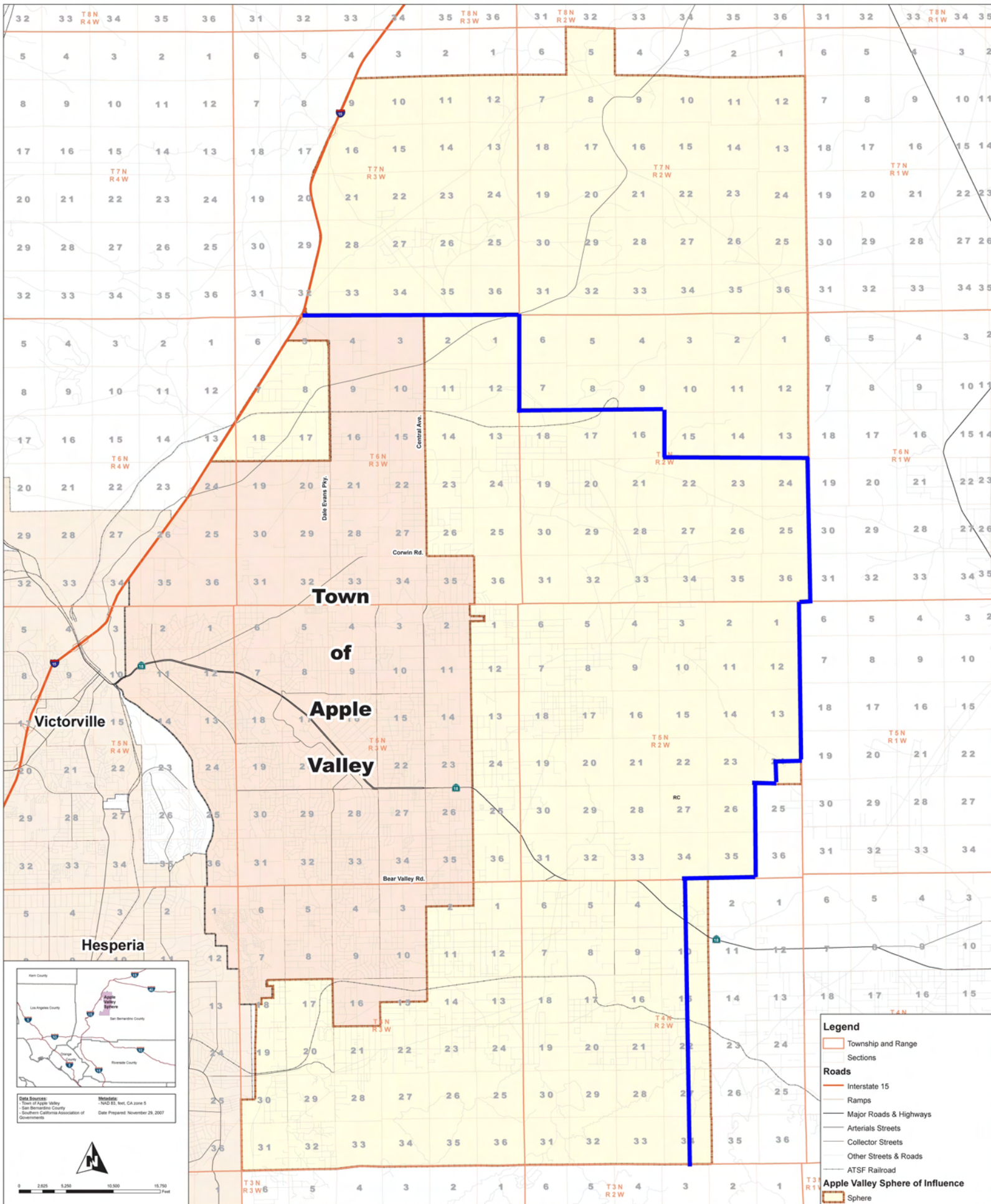


Town of Apple Valley



Township and Range



Summary Statement:

To assist in providing a better relationship between the Town and the County of San Bernardino on future development within the Sphere of Influence, the Town Council directed staff to adopt zoning designations for the areas within the Sphere of Influence at the February 2007 Council/Staff Workshop. The Town has also been requested by the Local Agency Formation Commission (LAFCO) to include with the General Plan, lands within its Sphere of Influence, in order to facilitate annexation of these lands in the future. Town staff also has concerns that lands outside its Sphere of Influence to the north of the Town limits, which may be of concern to the Town's long term growth potential, be planned and developed in a manner which is consistent with Town standards and policies. Additionally, the planning area includes areas to the east of the existing Sphere of Influence for inclusion of the entire Section within the General Plan and Zoning Maps. The lands in the Sphere are generally located to the east and south, with a small portion located to the west (the Golden Triangle). The lands outside the Sphere of influence are located to the north of the Town's current corporate limits and east of the existing Sphere. Please see Exhibit A for a pictorial depiction of the affected area. In general, most of the lands are currently designated for very low intensity residential land uses, and some small areas are designated for commercial and industrial land uses.

The land use designations defined in the Town's General Plan are consistent with those assigned under the County's General Plan. Land use decisions will continue to be made by the County until the lands are annexed. However, the Town and the County are currently working on a Memorandum of Understanding (MOU) which will allow the Town to comment on development proposals in the Sphere of Influence, and thereby ensure that development occurs in conformance with Town standards in the future. This is of particular importance when it relates to development standards for properties, and infrastructure requirements, which the Town will be responsible for when the lands are annexed.

As a result of Council's direction to staff, the Town's concerns regarding lands outside the Sphere of Influence and to the north of Town, and LAFCO's request, staff included these areas within the General Plan and concurrent zoning for these lands. As the Town Council is aware, any zoning designation must be consistent with the General Plan, so a General Plan Amendment which will add these lands to the General Plan land use map was initiated. The land use designations considered both for the General Plan and the Development Code are consistent with the designations currently placed on these lands by the County. In the case of the Town's Development Code, minimum acreage requirements for the large-lot designations (with minimums of 10, 20 or 40 acres) must be added to the Very Low Density Residential zone, as they currently do not exist in the Town's Code. The permitted and conditionally permitted uses, which are generally consistent with the County's Development Code, are not proposed to change. The development standards in the Very Low Density zone will not change, with the exception of the minimum lot size requirements of 10, 20 or 40 acres.

The Table below illustrates the General Plan land use designation assigned to the lands by the County of San Bernardino, the General Plan land use designation proposed under Apple Valley's General Plan, and the proposed Zoning designation for the lands included in the area shown in Exhibit A.

Table 1
Town of Apple Valley
Proposed General Plan and Zoning Designations

San Bernardino County Designation	Density (Units/Acre)	Apple Valley General Plan Designation	Apple Valley Pre-Zoning Designation
Rural Living (RL)	1/2.5 AC	R-LD	R-LD
RL-5	1/5 AC	R-LD	R-LD
RL-10	1/10 AC	R-VLD	New Town Zone: R-VLD/10
RL-20	1/20 AC	R-VLD	New Town Zone: R-VLD/20
RL-40	1/40 AC	R-VLD	New Town Zone: R-VLD/40
Single Family (RS-1)	1/1 AC	R-E and R-SF	R-E and R-SF
Agriculture (AG)	1/10 AC	R-VLD	New Town Zone: R-VLD/10
Resource Conservation	1/40 AC	R-VLD	New Town Zone: R-VLD/40
General Commercial		C-G	C-G
Neighborhood Commercial		C-G	C-G
Community Industrial		I-P	I-P
Regional Industrial		I-G	I-G
Floodway		OS-C	OS-C

The acreage proposed for General Plan designation and Pre-Zoning totals 122,921.2 acres, as shown in Table 2. Tables 2, 3 and 4 illustrate the acreage under existing County General Plan designations; the acreage under proposed Town General Plan designations; and, the acreage under proposed Town Zoning designations, respectively. The County General Plan Map, Town proposed General Plan Map and, the Town proposed Zoning Map are attached to this staff report as Exhibits A, B and C, respectively.

Table 2 Acreage Under San Bernardino County General Plan Designations	
County Designations	Acres
Rural Living 1du/40ac	1,450.6
Rural Living 1du/20ac	7,465.7
Rural Living 1du/10ac	2,429.7
Rural Living 1du/5ac	5,221.3
Rural Living	21,940.4
Single Family	24.3
Single Family 1du/ac	3,851.3
Single Family 14,000 sqft.	48.5
General Commercial	96.3
Neighborhood Commercial	43.4
Regional Industrial	4,450.7
Community Industrial	624.6
Floodway	698.1
Agriculture	1,991.6
Resource Conservation	72,584.7
Total	122,921.2

Table 3 Acreage Under Proposed Town of Apple Valley General Plan Designations	
Apple Valley General Plan Designation	Acres
Residential - Very Low Density	85,922.2
Residential - Low Density	27,161.8
Residential - Single Family	72.8
Residential - Estate	3,851.3
General Commercial	139.7
General Industrial	4,450.7
Planned Industrial	624.6
Open Space - Conservation	698.1
Total	122,921.2

Table 4 Acreage Under Proposed Town of Apple Valley Zoning Designations	
Apple Valley Zone Designation	Acres
Very Low Density 1du/40ac.	74,035.2
Very Low Density 1du/20ac.	7,465.7
Very Low Density 1du/10ac.	4,421.3
Residential - Low Density	27,161.8
Residential - Single Family	72.8
Residential - Estate	3,851.3
General Commercial	139.7
General Industrial	4,450.7
Planned Industrial	624.6
Open Space - Conservation	698.1
Total	122,921.2

The Development Code Amendment includes the creation of new Development Code (Zoning) standards to accommodate the County's current acreage minimums. The changes required to

the Development Code provide the addition of suffixes to correspond to the County's minimum acreage requirements. The amendments to the Development Code are detailed below. Additions are shown in bold text. Deletions are struck-through.

Amendments to the Chapter 9.05:

TABLE 9.05.030-A ZONING DISTRICTS

District Title	Map Designation
Residential Districts	
Very Low Density Residential (1du/5 or more gross acre) ¹	R-VLD
Residential Agriculture (1du/2.5 gross ac)	R-A
Low Density Residential (1 du/2.5 to 5 gross ac)	R-LD
Estate Residential (1 du/1 to 2.5 gross ac)	R-E
Equestrian Residential (1 du/0.4 to 0.9 net ac)	R-EQ
Single Family Residential (1 du/0.4 to 0.9 net ac)	R-SF
Multi-Family Residential (2 to 10 du/net ac)	R-M
Planned Residential Development	PRD
Commercial/Office Districts	
Office Professional	O-P
General Commercial	C-G
Service Commercial	C-S
Regional Commercial	C-R
Village Commercial	C-V
Industrial Districts	
Light Industrial	I-L
General Industrial	I-G
Planned Industrial	I-P
Resource Extraction	I-RE
Other Districts	
Open Space, Conservation	OS-C
Open Space, Recreation	OS-R
Specific Plan	SP
Overlay Districts	
Airport Overlay	A-1, A-2
Entertainment Village	EV
Flood Hazard Area	FH
Seismic Hazard	SH
Ranchos Residential Overlay	RRO

¹ Suffixes apply to zoned lands in the sphere of influence and to the north of the Town limits. These suffixes denote the minimum acreage per lot, as described in Chapter 9.28.

9.05.110 Prezoning

- A. For the purposes of establishing district regulations to become effective upon annexation, property outside the corporate boundaries of the Town, within the Sphere of Influence, may be classified within one or more districts in the same manner and subject to the same procedural requirements as prescribed for property within the Town.

- B. Upon passage of an ordinance establishing the applicable rezoning designation for property outside the Town, the official Zoning Districts Map shall be revised to show the rezoning classification to become effective upon annexation.

AMENDMENTS TO CHAPTER 9.28 (RESIDENTIAL DISTRICTS):

9.28.010 Purpose and General Plan Consistency

- A. **Purpose.** The residential districts as well as the regulation of uses and basic site and improvement standards contained in this Chapter implement the Town General Plan by achieving the following purposes:
1. To implement General Plan goals and policies to promote safe, attractive and well-served residential areas.
 2. To reserve areas for residential uses for family living at a broad range of dwelling unit densities consistent with the General Plan and appropriate standards of public health, safety and welfare;
 3. To define specific uses for residential districts which implement the range of uses identified in the General Plan;
 4. To establish basic site development and improvement standards consistent with applicable General Plan policies to insure compatibility among new and existing residential districts and to minimize the potential for incompatible uses to adversely affect one another;
 5. To develop drainage solution and to avoid exacerbation of any existing flooding problem;
 6. To minimize traffic congestion and to avoid the overloading of public services and utilities;
 7. To facilitate the efficient provision of public services and other public facilities consistent with the General Plan and with anticipated population, dwelling unit densities and service requirements;
 8. To establish open areas and to provide multi-use trail linkages to capitalize on existing facilities and avoid the loss of opportunities available during the planning and design of residential projects;
 9. To maintain a minimum lot size throughout the Town of 18,000 net square feet per new parcel unless a specific plan or planned unit development is submitted for consideration;
 10. To create a clear and consistent set of standards to assist the development community in comprehending applicable General Plan policies and the Town's intent with regard to regulating residential development; and
 11. **To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.**

9.28.020 Residential Districts

- A. **Very Low Density Residential (R-VLD).** This district is intended for very low density, single family detached housing development with a minimum lot size of five (5) gross acres per unit. This area is suited for agriculture, animal keeping and equestrian uses, but because of environmental constraints or lack of services these uses must occur at low intensities. This zoning district implements the General Plan Very Low Density Residential (R-VLD) land use designation density of five (5) or more gross acres per dwelling unit. **For zoned lands outside the Town limits, suffixes have been applied which denote the minimum acreage required in the zone.**

9.28.040 Site Development Standards (*Amended Ord. 314, 341, 354*)

The Site Development Standards in Table 9.28.040-A are intended to provide standards for the development and use of land within the residential districts. These standards apply in

conjunction with the applicable specific use regulations in Chapter 9.29, and the design standards in Chapter 9.31. All submissions to the Town of Apple Valley for a development or other permit, whether for Planning Commission, Town Council, or Plan Check and Building Permit review, may be required to provide public right-of-way or other appropriate dedication(s) and off-site and/or street and other related public improvement(s) consistent with the Circulation Element of the adopted General Plan and/or applicable standards established by the Town Engineer, as determined by the Town of Apple Valley Town Engineer, to mitigate and/or contribute toward mitigation of impacts, to promote the public health, safety and welfare, and as not otherwise restricted by law.

The setbacks specified in Table 9.28.040-A shall be the setback standards unless a different setback is indicated by a Ranchos Residential Overlay District as designated in Chapter 9.63 of this Code or is required as delineated on all Final Maps, Parcel Maps and Records of Survey Maps recorded in San Bernardino County between March 1, 1948, and January 1, 1987, or on Composite Development Plans on file in Town offices, then, these setbacks shall be the street and yard setback distances required on the property within said Final Maps, Parcel Maps, Records of Survey or Composite Development Plan. Notwithstanding any other provision of this Code, any request to modify or deviate from a building setback line designated on a recorded map or final map shall be made in accordance with the provisions of Chapter 9.24 *Variances*, of this Code.

TABLE 9.28.040-A SITE DEVELOPMENT STANDARDS

STANDARDS	DISTRICT							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ⁽¹⁾
1. Minimum lot area	5 ac ⁽²⁾⁽¹⁵⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ⁽²⁾ ac	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	18,000 sf ⁽³⁾	PRD ⁽⁴⁾
2. Minimum corner lot area	5 ac ⁽²⁾	2.5 ac ⁽²⁾	2.5 ac ⁽²⁾	1 ⁽²⁾ ac	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	20,000 sf ⁽³⁾	
3. Minimum lot width (ft)	200	150	150	125	100	100	100	PRD
4. Minimum corner lot width (ft)	200	150	150	125	115	115	115	PRD
5. Minimum lot depth (ft)	300	300	300	250	150	150	150	PRD
6. Minimum corner lot depth (ft)	300	300	300	300	150	150	150	PRD
7. Minimum site frontage (ft)	90	90	90	60	60	60	60	PRD
8. a. Minimum front setback (ft)	50	50	50	45	30	30	40	10 ⁽⁵⁾
b. Average front setback (ft)	N/A	N/A	N/A	50	35	35	45	PRD
9. Minimum rear setback ⁽⁶⁾	40	35	35	30	25	25	25	5
10. a. Minimum side setback (ft) ⁽⁷⁾	25	25	25	20	15/10 ⁽⁸⁾	15/10 ⁽⁸⁾	10 ⁽⁸⁾	6
b. Minimum street side setback ⁽⁹⁾ (ft)	45	45	45	40	25	25	25	10
11. Animal keeping compatibility buffer ⁽¹⁰⁾ (ft)	25	25	25	25	25	N/A	N/A	PRD
12. Height limitations ⁽¹¹⁾ (ft)	35	35	35	35	35	35	35 ⁽¹³⁾	35
13. a. Maximum lot coverage	25%	25%	25%	25%	30%	40%	60% ⁽¹⁴⁾	50%
b. Minimum dwelling unit size (sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,200	600 to 1,200 ⁽¹²⁾	PRD
14. Minimum landscape area	N/A	N/A	N/A	N/A	N/A	N/A	15%	30%

STANDARDS	DISTRICT							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ⁽¹⁾
15. Minimum distance between primary structure and detached accessory structure (ft)	6	6	6	6	6	6	10	6

- (1) Development standards shall comply with the minimums established in this Chapter, and in Section 9.29.080, Planned Residential Developments, of this Code, and shall be consistent with an approved Planned Development Permit. Development standards not addressed in an approved PRD shall be the same as those standards contained in this Code for the most similar use or situation.
- (2) Lot area measured in gross acres.
- (3) Lot area measured in net square feet.
- (4) Density shall be consistent with the General Plan and applicable sections of the Development Code.
- (5) A minimum driveway of twenty (20) feet is required for the entrance to a garage or carport unless an automatic garage door opener is provided or unless garage access is provided from an alley.
- (6) Reduced rear setbacks are allowed for accessory structures pursuant to Section 9.29.030.B.
- (7) The Ranchos Residential Overlay District(s), Chapter 9.63 of this Code, may specify different side yard setbacks for interior lot lines.
- (8) Ten (10) feet is required on one side setback, fifteen (15) feet on the opposite side. See also Section 9.28.140, Solar Access, of this Code; subject to solar access requirements. A minimum fifteen (15) foot setback is required between residential districts and other districts. Non-habitable structures can encroach within the side and rear yard setbacks. See subsection 9.29.070.B.2 and 3.
- (9) Solid fences in excess of four (4) feet in height are not allowed closer than twelve (12) feet to the right-of-way, pursuant to the provisions of Section 9.28.120 Fences, Walls and Hedges, of this Chapter.
- (10) A twenty-five (25) foot setback from roofed animal enclosures to habitable structures on adjacent property is required by paragraph 9.29.030.F.2 Roofed Animal Enclosures, of this Code. A fifty (50) foot setback from other animal enclosures to habitable structures on adjacent property is required by subsection 9.29.030.F.3 Other Animal Enclosures, of this Code.
- (11) Certain mechanical and architectural features may exceed height limits by a maximum of fifteen (15) feet pursuant to subsection 9.28.040.E Projections above Height Limits, of this Chapter.
- (12) See Subsection 9.29.070.B.5 Minimum Dwelling Unit Size, of this Code.
- (13) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (14) See subsection 9.29.070.B.10 Lot Coverage, of this Code. A maximum of 70% is allowed with Planning Commission approval.
- (15) **For lands located outside the Town limits, the following minimum lot sizes shall apply (see Zoning Map).**
 - R-VLD/10 10 acre minimum lot size
 - R-VLD/20 20 acre minimum lot size
 - R-VLD/40 40 acre minimum lot size

Amendments to Chapter 9.35 (Commercial Districts):

9.35.010 Purpose and General Plan Consistency

- A. The purpose of this Chapter is to guide the growth and development of the Town in an orderly manner consistent with the goals, policies and action plans of the General Plan and the Comprehensive Economic Development Plan; to protect and enhance the quality of the natural and improved environment; and to promote the public health, safety and welfare by achieving the following:
1. Providing appropriately located areas for office uses, retail stores and service establishments to meet the needs of the Town.
 2. Promoting office and commercial locations and site designs which are conveniently accessible by equestrian, bicycle and foot traffic, as well as autos.
 3. Supporting development that is compatible with surrounding uses and neighborhoods while suggesting uniqueness and character.
 4. Providing for open spaces and areas for landscaping through the use of Site Development Standards to protect the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.
 5. Encouraging office and commercial uses to be grouped for the safety of the public and to avoid nuisance impacts from incompatible land uses.
 6. Clustering commercial activities in selected locations adjacent to major roads and in the vicinity of the Apple Valley Airport.
 7. Supporting sound destination attractions/commercial recreation projects that can uniquely occur in Apple Valley.
 8. **To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.**

Amendment to Chapter 9.45 (Industrial Districts):

9.45.010 Purpose and General Plan Consistency

- A. **Purpose.** The purpose of this Chapter is to guide the growth of industrial development within the Town in an orderly manner consistent with the goals and policies of the General Plan; to protect and enhance the quality of the natural and improved environment; and to promote the public health, safety and welfare by achieving the following:
1. Providing appropriately located areas for industrial uses to meet the needs of the Town;
 2. Providing standards for the development of clean, high quality development in the Town's industrial districts;
 3. Encouraging industrial uses to be grouped for the convenience of the public and to avoid nuisances among adjacent land uses;
 4. Establishing measures that buffer both new and established residences from industrial activities.
 5. Ensuring that adequate roadways, infrastructure, and public services are provided;
 6. Promoting open spaces and areas for landscaping through the use of Site Development Standards to create a visually pleasing environment and to protect and enhance property values.
 7. **To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.**

Additionally, the purpose of this Chapter is to implement the goals, objectives, strategies and action plans of the Town's Comprehensive Economic Development Plan through industrial development featuring design and planning excellence.

Amendments to Chapter 9.55 (Open Space Districts):

9.55.010 Purpose and General Plan Consistency

- A. Purpose.** The purpose of this Chapter is to implement the Open Space/Conservation Element of the General Plan, to protect areas designated for public and private uses related to open space and recreation, to preserve and protect these areas as a limited valuable natural resource, and to identify, classify and protect lands the unrestricted use of which, might constitute a hazard to the public health, safety and welfare and the aesthetic value of the community. Open space areas include Bell Mountain, Fairview Mountain, the Apple Valley Country Club, the Mojave River, the knolls, any significant rock outcroppings, and any slopes of fifteen (15) percent or greater. Also included are flood control channels, groundwater percolation basins, and recreational facilities such as parks and recreation trails.
- B. Objectives.** The following are objectives of the Open Space Districts:
1. The conservation and protection of natural resources within the Town;
 2. The preservation of significant mature native trees, native vegetation, significant natural landforms, and wildlife habitat within the Town;
 3. The preservation of the integrity, function, productivity and long term viability of environmentally sensitive habitats and significant geological features within the Town;
 4. The promotion and encouragement of energy efficiency and the use of renewable energy resources;
 5. The encouragement and support for the preservation of historic, cultural and archaeological resources within the Town;
 6. The emphasis of the importance of the maintenance of, and access to, open space and recreational resources within the Town;
 7. The provision of recreational facilities to meet the needs of all segments of the community for recreational activities, relaxation and social interaction;
 8. The provision of pedestrian, jogging, equestrian and bicycle trails as linkages between open space and recreational facilities within the Town;
 9. The minimization of the generation of air pollutants from projected growth and the support of regional efforts to control air pollution in order to minimize public health hazards;
 10. The promotion of land use decisions which ensure, to the greatest extent possible, compatibility between mineral resource extraction and adjacent land uses.
 11. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

REQUIRED FINDINGS

Prior to the approval of any Amendment to the General Plan or Development Code, the Council, based upon the advice of the Planning Commission, must make specific "Findings" as listed within the Code. Code Sections 9.02.050 and 9.06.060 "Required Findings" specify the Findings which must be made in a positive manner to approve General Plan and Development Code Amendments, respectively. These Findings, along with a comment to address each, are presented below.

9.02.050 Required Findings, General Plan

- A. The proposed General Plan amendment is consistent with the goals, policies and standards of all elements of the General Plan and will further those goals, policies and standards.

Comment: The General Plan supports the long term expansion of Town boundaries through annexation under Policy LU-2.3. The proposed Amendment will allow for coordinated planning with the County of San Bernardino so development which may eventually be annexed into the Town will be of the quality required by Policies LU-2.2 and LU-2.4.

- B. The General Plan, as amended, will comprise an integrated, internally consistent and compatible statement of policies for the Town;

Comment: The addition of land use designations to lands currently outside Town limits will encourage the development of high quality projects. The Amendment will not impact policies and programs, or General Plan consistency, insofar as policy LU-2.3 foresaw the future expansion of the Town, and the General Plan's goals, policies and programs are intended to apply to all lands in Town, whether currently or in the future.

- C. The General Plan amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Comment: The proposed Amendment will allow the Town to comment on development proposals in the County, and assure that development standards and infrastructure requirements are consistent with Town standards for high quality development. The Amendment will assure that land use patterns are consistent with the Town's vision.

9.06.060 Required Findings, Development Code

- A. The proposed Amendment is consistent with the General Plan;

Comment: The proposed Amendment will allow the Town to comment on development proposals in the County, which may be annexed to the Town in the future. The establishment of Zoning standards consistent with the rest of the Town for these lands will assure that development proposals are consistent with the General Plan's vision for high quality, well planned development.

- B. The proposed Amendment will not be detrimental to the public health, safety or general welfare of the Town or its residents.

Comment: The proposed Amendment will not directly impact the health, safety and welfare of the Town's residents. Until such time as the lands are annexed, the Town will not be impacted by the proposed Amendment. However, when these lands become part of the Town, the imposition of Town

standards for high quality development will assure that residents in the future will be protected.

ENVIRONMENTAL REVIEW

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), the Town determined that the proposed General Plan and Development Code Amendments could not have a significant impact on the environment. A Negative Declaration is proposed.

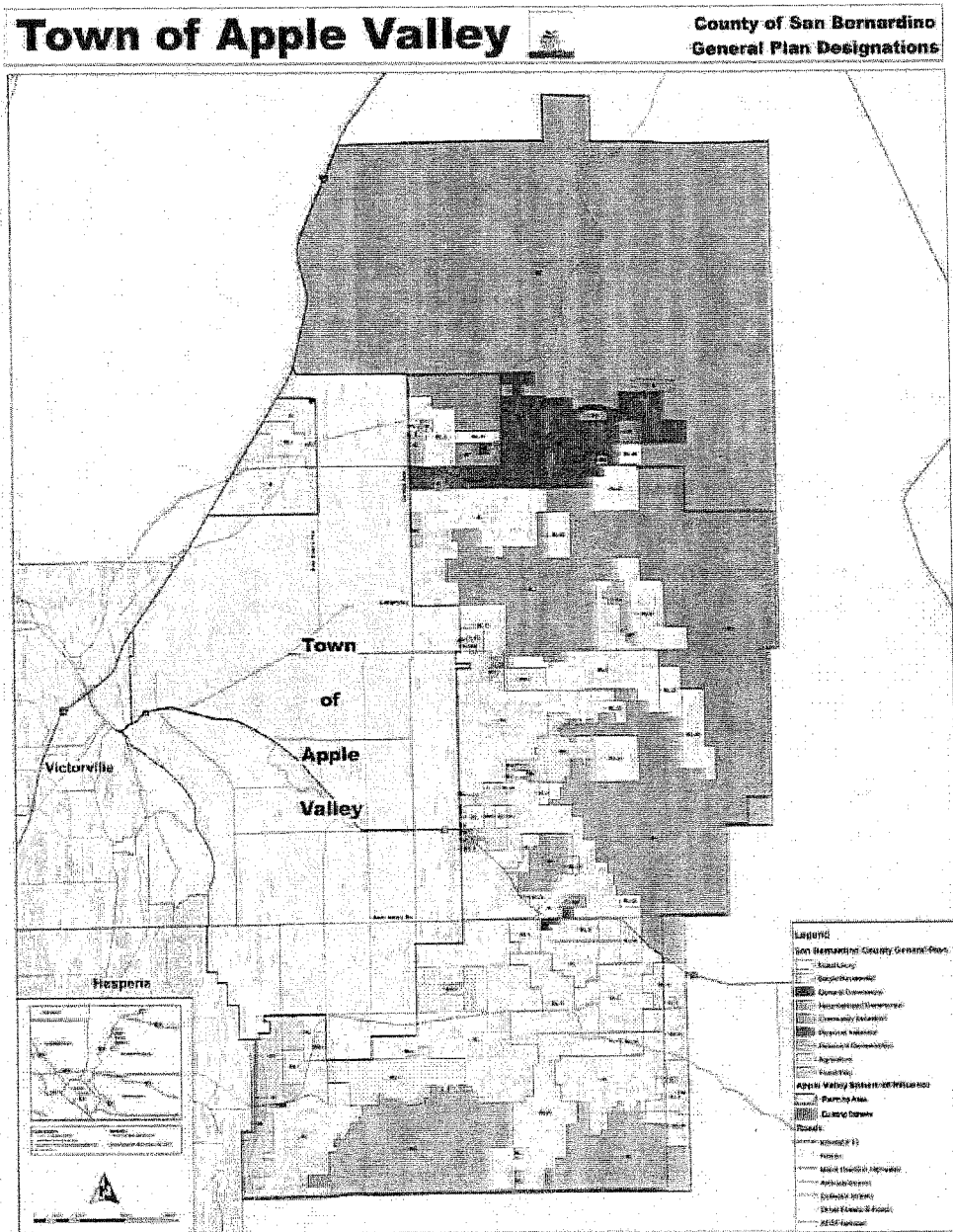
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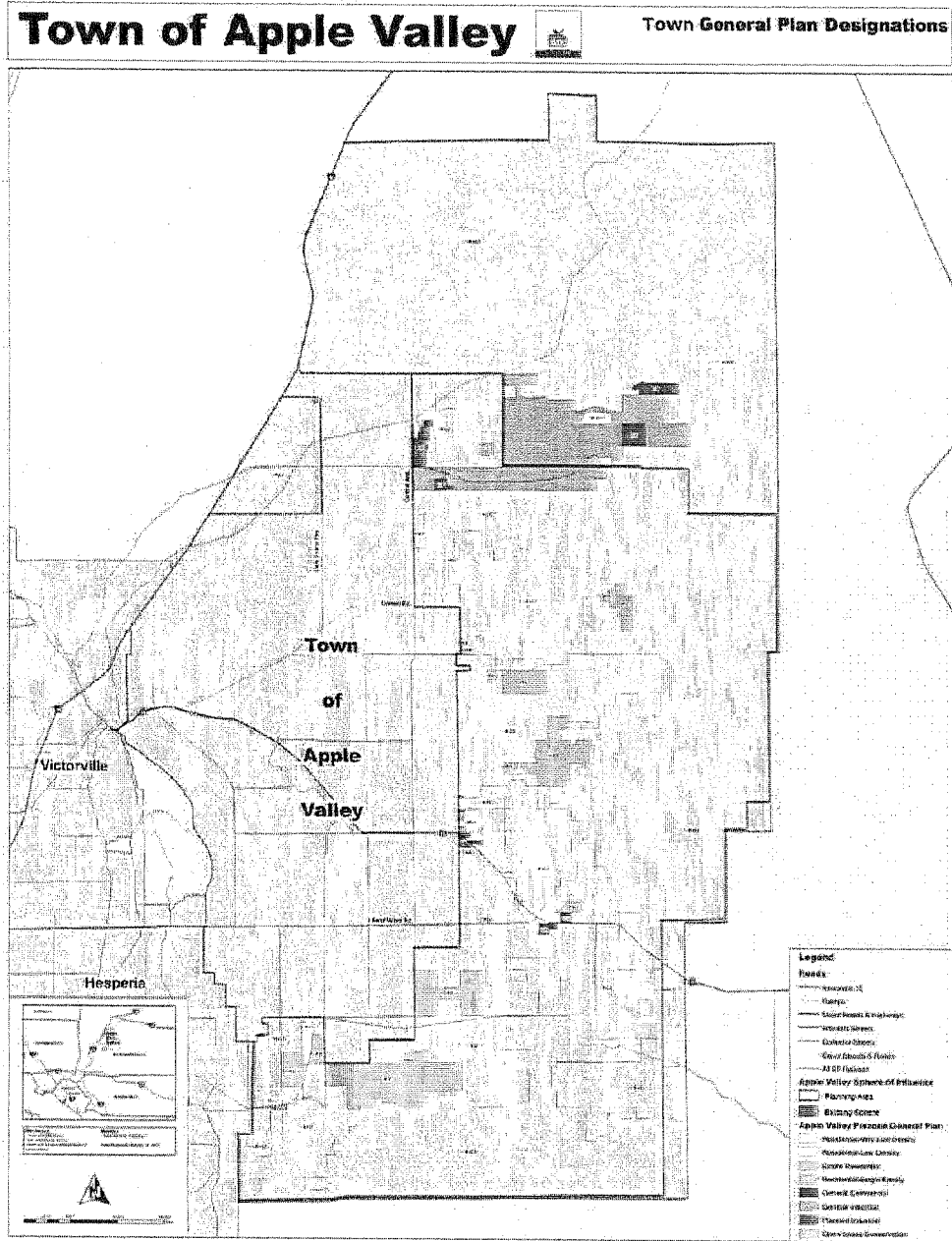
The notice for General Plan Amendment No. 2007-007 and Development Code Amendment No. 2007-004 was advertised as a public hearing in the Apple Valley News newspaper and the Daily Press on February 29, 2008. The notice exceeds the requirements of Development Code Section 9.13.030 "Notice of Public Hearings".

RECOMMENDATION

Following receipt of public input and discussion by the Council, it is recommended that the Council adopt Resolution No. 2008-008 amending the Land Use Element of the General Plan and Introduce Ordinance No. 378 amending the Development Code.

Attachments: Exhibit A – County of San Bernardino General Plan Designations
Exhibit B –Town General Plan Designations
Exhibit C – Town Zoning Designations
Planning Commission Resolution No. 2008-001
Resolution No. 2008-008
Ordinance No. 378







PLANNING COMMISSION RESOLUTION NO. 2008-001

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND THE GENERAL PLAN LAND USE MAP, AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, PERTAINING TO ZONING OF LANDS OUTSIDE THE TOWN LIMITS, BOTH WITHIN AND OUTSIDE THE TOWN'S SPHERE OF INFLUENCE.

WHEREAS, The Town Of Apple Valley General Plan was adopted by the Town Council on October 27, 1998; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to the General Plan to assign land use designations to 122,921.2 acres located outside the Town's boundary, in and out of its sphere of influence; and,

WHEREAS, specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code assigning zoning designations and creating new development standards for lands located outside the Town's boundary, in and out of its sphere of influence; and,

WHEREAS, on December 21, 2007, General Plan Amendment 2007-007 and Development Code Amendment No. 2007-0004 were duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on January 28, 2008, General Plan Amendment 2007-007 and Development Code Amendment No. 2007-0004 were duly noticed in the Daily Press, a newspaper of general circulation; and

WHEREAS, staff has determined that under the State Guidelines to implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment and Development Code Amendment could not have a significant impact on the environment; and

WHEREAS, on January 16 and February 20, 2008 the Planning Commission of the Town of Apple Valley conducted duly noticed and advertised public hearings on General Plan Amendment 2007-007 and Development Code Amendment No. 2007-004, receiving testimony from the public; and

WHEREAS, General Plan Amendment 2007-007 and Development Code Amendment No. 2007-004 are consistent with the General Plan and with Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the

Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by General Plan Amendment 2007-007 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Find that the changes proposed by Development Code Amendment No. 2007-004, are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 3. Under the State Guidelines to implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment and Development Code Amendment could not have a significant impact on the environment.

Section 4. Amend the Development Code to read as follows:

Amendments to the Chapter 9.05:

TABLE 9.05.030-A ZONING DISTRICTS

District Title	Map Designation
Residential Districts	
Very Low Density Residential (1du/5 or more gross acre) ¹	R-VLD
Residential Agriculture (1du/2.5 gross ac)	R-A
Low Density Residential (1 du/2.5 to 5 gross ac)	R-LD
Estate Residential (1 du/1 to 2.5 gross ac)	R-E
Equestrian Residential (1 du/0.4 to 0.9 net ac)	R-EQ
Single Family Residential (1 du/0.4 to 0.9 net ac)	R-SF
Multi-Family Residential (2 to 10 du/net ac)	R-M
Planned Residential Development	PRD
Commercial/Office Districts	
Office Professional	O-P
General Commercial	C-G
Service Commercial	C-S
Regional Commercial	C-R
Village Commercial	C-V
Industrial Districts	
Light Industrial	I-L
General Industrial	I-G
Planned Industrial	I-P
Resource Extraction	I-RE
Other Districts	
Open Space, Conservation	OS-C
Open Space, Recreation	OS-R
Specific Plan	SP
Overlay Districts	
Airport Overlay	A-1, A-2

District Title	Map Designation
Entertainment Village	EV
Flood Hazard Area	FH
Seismic Hazard	SH
Ranchos Residential Overlay	RRO

¹ Suffixes apply to zoned lands in the sphere of influence and to the north of the Town limits. These suffixes denote the minimum acreage per lot, as described in Chapter 9.28.

9.05.110 Prezoning

- A. For the purposes of establishing district regulations to become effective upon annexation, property outside the corporate boundaries of the Town, within the Sphere of Influence, may be classified within one or more districts in the same manner and subject to the same procedural requirements as prescribed for property within the Town.
- B. Upon passage of an ordinance establishing the applicable prezoning designation for property outside the Town, the official Zoning Districts Map shall be revised to show the prezoning classification to become effective upon annexation.

AMENDMENTS TO CHAPTER 9.28 (RESIDENTIAL DISTRICTS):

9.28.010 Purpose and General Plan Consistency

- A. **Purpose.** The residential districts as well as the regulation of uses and basic site and improvement standards contained in this Chapter implement the Town General Plan by achieving the following purposes:
 1. To implement General Plan goals and policies to promote safe, attractive and well-served residential areas.
 2. To reserve areas for residential uses for family living at a broad range of dwelling unit densities consistent with the General Plan and appropriate standards of public health, safety and welfare;
 3. To define specific uses for residential districts which implement the range of uses identified in the General Plan;
 4. To establish basic site development and improvement standards consistent with applicable General Plan policies to insure compatibility among new and existing residential districts and to minimize the potential for incompatible uses to adversely affect one another;
 5. To develop drainage solution and to avoid exacerbation of any existing flooding problem;
 6. To minimize traffic congestion and to avoid the overloading of public services and utilities;
 7. To facilitate the efficient provision of public services and other public facilities consistent with the General Plan and with anticipated population, dwelling unit densities and service requirements;
 8. To establish open areas and to provide multi-use trail linkages to capitalize on existing facilities and avoid the loss of opportunities available during the planning and design of residential projects;
 9. To maintain a minimum lot size throughout the Town of 18,000 net square feet per new parcel unless a specific plan or planned unit development is submitted for consideration;
 10. To create a clear and consistent set of standards to assist the development community in comprehending applicable General Plan policies and the Town's intent with regard to regulating residential development; and

11. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

9.28.020 Residential Districts

A. Very Low Density Residential (R-VLD). This district is intended for very low density, single family detached housing development with a minimum lot size of five (5) gross acres per unit. This area is suited for agriculture, animal keeping and equestrian uses, but because of environmental constraints or lack of services these uses must occur at low intensities. This zoning district implements the General Plan Very Low Density Residential (R-VLD) land use designation density of five (5) or more gross acres per dwelling unit. **For zoned lands outside the Town limits, suffixes have been applied which denote the minimum acreage required in the zone.**

9.28.040 Site Development Standards (Amended Ord. 314, 341, 354)

The Site Development Standards in Table 9.28.040-A are intended to provide standards for the development and use of land within the residential districts. These standards apply in conjunction with the applicable specific use regulations in Chapter 9.29, and the design standards in Chapter 9.31. All submissions to the Town of Apple Valley for a development or other permit, whether for Planning Commission, Town Council, or Plan Check and Building Permit review, may be required to provide public right-of-way or other appropriate dedication(s) and off-site and/or street and other related public improvement(s) consistent with the Circulation Element of the adopted General Plan and/or applicable standards established by the Town Engineer, as determined by the Town of Apple Valley Town Engineer, to mitigate and/or contribute toward mitigation of impacts, to promote the public health, safety and welfare, and as not otherwise restricted by law.

The setbacks specified in Table 9.28.040-A shall be the setback standards unless a different setback is indicated by a Ranchos Residential Overlay District as designated in Chapter 9.63 of this Code or is required as delineated on all Final Maps, Parcel Maps and Records of Survey Maps recorded in San Bernardino County between March 1, 1948, and January 1, 1987, or on Composite Development Plans on file in Town offices; then these setbacks shall be the street and yard setback distances required on the property within said Final Maps, Parcel Maps, Records of Survey or Composite Development Plan. Notwithstanding any other provision of this Code, any request to modify or deviate from a building setback line designated on a recorded map or final map shall be made in accordance with the provisions of Chapter 9.24 *Variances*, of this Code.

TABLE 9.28.040-A SITE DEVELOPMENT STANDARDS

STANDARDS	DISTRICT							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ⁽¹⁾
1. Minimum lot area	5 ac ⁽²⁾	2.5 ₍₂₎ ac	2.5 ₍₂₎ ac	1 ₍₂₎ ac	18,000 ₍₃₎ sf	18,000 ₍₃₎ sf	18,000 ₍₃₎ sf	PRD ⁽⁴⁾
2. Minimum corner lot area	5 ac ⁽²⁾	2.5 ₍₂₎ ac	2.5 ₍₂₎ ac	1 ₍₂₎ ac	20,000 ₍₃₎ sf	20,000 ₍₃₎ sf	20,000 ₍₃₎ sf	
3. Minimum lot width (ft)	200	150	150	125	100	100	100	PRD
4. Minimum corner lot width (ft)	200	150	150	125	115	115	115	PRD

STANDARDS	DISTRICT							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ⁽¹⁾
5. Minimum lot depth (ft)	300	300	300	250	150	150	150	PRD
6. Minimum corner lot depth (ft)	300	300	300	300	150	150	150	PRD
7. Minimum site frontage (ft)	90	90	90	60	60	60	60	PRD
8. a. Minimum front setback (ft)	50	50	50	45	30	30	40	10 ⁽⁵⁾
b. Average front setback (ft)	N/A	N/A	N/A	50	35	35	45	PRD
9. Minimum rear setback ⁽⁶⁾	40	35	35	30	25	25	25	5
10. a. Minimum side setback (ft) ⁽⁷⁾	25	25	25	20	15/10 ⁽⁸⁾	15/10 ⁽⁸⁾	10 ⁽⁸⁾	6
b. Minimum street side setback ⁽⁹⁾ (ft)	45	45	45	40	25	25	25	10
11. Animal keeping compatibility buffer ⁽¹⁰⁾ (ft)	25	25	25	25	25	N/A	N/A	PRD
12. Height limitations ⁽¹¹⁾ (ft)	35	35	35	35	35	35	35 ⁽¹³⁾	35
13. a. Maximum lot coverage	25%	25%	25%	25%	30%	40%	60% ⁽¹⁴⁾	50%
b. Minimum dwelling unit size (sq. ft.)	1,200	1,200	1,200	1,200	1,200	1,200	600 to 1,200 ⁽¹²⁾	PRD
14. Minimum landscape area	N/A	N/A	N/A	N/A	N/A	N/A	15%	30%
15. Minimum distance between primary structure and detached accessory structure (ft)	6	6	6	6	6	6	10	6

- (1) Development standards shall comply with the minimums established in this Chapter, and in Section 9.29.080, Planned Residential Developments, of this Code, and shall be consistent with an approved Planned Development Permit. Development standards not addressed in an approved PRD shall be the same as those standards contained in this Code for the most similar use or situation.
- (2) Lot area measured in gross acres.
- (3) Lot area measured in net square feet.
- (4) Density shall be consistent with the General Plan and applicable sections of the Development Code.

- (5) A minimum driveway of twenty (20) feet is required for the entrance to a garage or carport unless an automatic garage door opener is provided or unless garage access is provided from an alley.
- (6) Reduced rear setbacks are allowed for accessory structures pursuant to Section 9.29.030.B.
- (7) The Ranchos Residential Overlay District(s), Chapter 9.63 of this Code, may specify different side yard setbacks for interior lot lines.
- (8) Ten (10) feet is required on one side setback, fifteen (15) feet on the opposite side. See also Section 9.28.140, Solar Access, of this Code; subject to solar access requirements. A minimum fifteen (15) foot setback is required between residential districts and other districts. Non-habitable structures can encroach within the side and rear yard setbacks. See subsection 9.29.070.B.2 and 3.
- (9) Solid fences in excess of four (4) feet in height are not allowed closer than twelve (12) feet to the right-of-way, pursuant to the provisions of Section 9.28.120 Fences, Walls and Hedges, of this Chapter.
- (10) A twenty-five (25) foot setback from roofed animal enclosures to habitable structures on adjacent property is required by paragraph 9.29.030.F.2 Roofed Animal Enclosures, of this Code. A fifty (50) foot setback from other animal enclosures to habitable structures on adjacent property is required by subsection 9.29.030.F.3 Other Animal Enclosures, of this Code.
- (11) Certain mechanical and architectural features may exceed height limits by a maximum of fifteen (15) feet pursuant to subsection 9.28.040.E Projections above Height Limits, of this Chapter.
- (12) See Subsection 9.29.070.B.5 Minimum Dwelling Unit Size, of this Code.
- (13) See subsection 9.29.070.B.4 Height Limitations, of this Code. A maximum height of 50 feet is allowed with Planning Commission approval.
- (14) See subsection 9.29.070.B.10 Lot Coverage, of this Code. A maximum of 70% is allowed with Planning Commission approval.
- (15) **For lands located outside the Town limits, the following minimum lot sizes shall apply (see Zoning Map).**

R-VLD/10	10 acre minimum lot size
R-VLD/20	20 acre minimum lot size
R-VLD/40	40 acre minimum lot size

Amendments to Chapter 9.35 (Commercial Districts):

9.35.010 Purpose and General Plan Consistency

- A. The purpose of this Chapter is to guide the growth and development of the Town in an orderly manner consistent with the goals, policies and action plans of the General Plan and the Comprehensive Economic Development Plan; to protect and enhance the quality of the natural and improved environment; and to promote the public health, safety and welfare by achieving the following:
 1. Providing appropriately located areas for office uses, retail stores and service establishments to meet the needs of the Town.
 2. Promoting office and commercial locations and site designs which are conveniently accessible by equestrian, bicycle and foot traffic, as well as autos.
 3. Supporting development that is compatible with surrounding uses and neighborhoods while suggesting uniqueness and character.
 4. Providing for open spaces and areas for landscaping through the use of Site Development Standards to protect the property values of existing business developments from inappropriately located uses and to enhance the investment of residents and business owners.

5. Encouraging office and commercial uses to be grouped for the safety of the public and to avoid nuisance impacts from incompatible land uses.
6. Clustering commercial activities in selected locations adjacent to major roads and in the vicinity of the Apple Valley Airport.
7. Supporting sound destination attractions/commercial recreation projects that can uniquely occur in Apple Valley.
8. **To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.**

Amendment to Chapter 9.45 (Industrial Districts):

9.45.010 Purpose and General Plan Consistency

- A. **Purpose.** The purpose of this Chapter is to guide the growth of industrial development within the Town in an orderly manner consistent with the goals and policies of the General Plan; to protect and enhance the quality of the natural and improved environment; and to promote the public health, safety and welfare by achieving the following:
1. Providing appropriately located areas for industrial uses to meet the needs of the Town;
 2. Providing standards for the development of clean, high quality development in the Town's industrial districts;
 3. Encouraging industrial uses to be grouped for the convenience of the public and to avoid nuisances among adjacent land uses;
 4. Establishing measures that buffer both new and established residences from industrial activities.
 5. Ensuring that adequate roadways, infrastructure, and public services are provided;
 6. Promoting open spaces and areas for landscaping through the use of Site Development Standards to create a visually pleasing environment and to protect and enhance property values.
 7. **To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.**

Additionally, the purpose of this Chapter is to implement the goals, objectives, strategies and action plans of the Town's Comprehensive Economic Development Plan through industrial development featuring design and planning excellence.

Amendments to Chapter 9.55 (Open Space Districts):

9.55.010 Purpose and General Plan Consistency

- A. **Purpose.** The purpose of this Chapter is to implement the Open Space/Conservation Element of the General Plan, to protect areas designated for public and private uses related to open space and recreation, to preserve and protect these areas as a limited valuable natural resource, and to identify, classify and protect lands the unrestricted use of which, might constitute a hazard to the public health, safety and welfare and the aesthetic value of the community. Open space areas include Bell Mountain, Fairview Mountain, the Apple Valley Country Club, the Mojave River, the knolls, any significant rock outcroppings, and any slopes of fifteen (15) percent or greater. Also included are flood control channels, groundwater percolation basins, and recreational facilities such as parks and recreation trails.
- B. **Objectives.** The following are objectives of the Open Space Districts:
1. The conservation and protection of natural resources within the Town;

2. The preservation of significant mature native trees, native vegetation, significant natural landforms, and wildlife habitat within the Town;
3. The preservation of the integrity, function, productivity and long term viability of environmentally sensitive habitats and significant geological features within the Town;
4. The promotion and encouragement of energy efficiency and the use of renewable energy resources;
5. The encouragement and support for the preservation of historic, cultural and archaeological resources within the Town;
6. The emphasis of the importance of the maintenance of, and access to, open space and recreational resources within the Town;
7. The provision of recreational facilities to meet the needs of all segments of the community for recreational activities, relaxation and social interaction;
8. The provision of pedestrian, jogging, equestrian and bicycle trails as linkages between open space and recreational facilities within the Town;
9. The minimization of the generation of air pollutants from projected growth and the support of regional efforts to control air pollution in order to minimize public health hazards;
10. The promotion of land use decisions which ensure, to the greatest extent possible, compatibility between mineral resource extraction and adjacent land uses.
11. **To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.**

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of February, 2008.

David Hernandez, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2008-001 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 20th day of February, 2008, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Patty Hevle, Planning Commission Secretary

RESOLUTION NO. 2008-008

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN BY AMENDING THE MAP TO INCLUDE LAND USE DESIGNATIONS ON APPROXIMATELY 122,921 ACRES OF LAND LOCATED WITHIN THE TOWN'S SPHERE OF INFLUENCE AND AREAS OUTSIDE THE TOWN'S SPHERE TO THE NORTH OF THE TOWN BOUNDARIES AND EAST OF THE EXISTING SPHERE OF INFLUENCE BOUNDARIES.

WHEREAS, the Town of Apple Valley is required to adopt and maintain a General Plan, which will comprise an integrated, internally consistent and compatible statement of policies for the Town; and

WHEREAS, the Town Council of the Town of Apple Valley adopted a General Plan, including the Safety Element of the General Plan, on October 27, 1998; and

WHEREAS, the General Plan of the Town of Apple Valley has been previously amended by the Town Council following recommendations by the Planning Commission; and

WHEREAS, specific changes are proposed to the Land Use Map of the Land Use Element of the General Plan; and

WHEREAS, The General Plan Amendment No. 2007-007 is consistent with the goals, policies and standards of all elements of the General Plan as amended and will further those goals, policies and standards and will promote the health, safety and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, the adoption of General Plan Amendment No. 2007-007 conforms with the procedures in the Municipal Code of the Town of Apple Valley, and the Findings and Comments for the General Plan Amendment set forth in the staff report which contains findings and positive comments for GPA 2007-007, are hereby adopted; and

WHEREAS, on January 16 and February 20, 2008, the Planning Commission conducted a duly noticed and advertised public hearings and after receiving public testimony, adopted Planning Commission Resolution No. 2008-001 recommending to the Town Council adoption of General Plan Amendment No. 2007-007; and

WHEREAS, The Town Council conducted a duly noticed public hearing on March 11, 2008 and received testimony and considered the written recommendation of the Planning Commission on the matter.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Council Members at said hearing, the Town Council of the Town of Apple Valley, California, does hereby resolve, order, find and determine as follows:

Section 1. In regards to General Plan Amendment No. 2007-007 based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA.

Section 2. Based on the information contained within the Initial Study and the Negative Declaration prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), General Plan Amendment No. 2007-007 will not have an impact upon the environment.

Section 3. The Town Council finds that the changes proposed under General Plan Amendment No. 2007-007 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan, as amended, and as amended will comprise an integrated, internally consistent and compatible statement of policies for the Town.

Section 4. The Town Council hereby approves and adopts General Plan Amendment No. 2007-007 pertaining to amending the Land Use Map of the General Plan Land Use Element, on approximately 122,921 acres of land located outside the Town boundary, to the north, east and south of the Town limits as identified on Exhibit 1 of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the Town of Apple Valley.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 11th day of March, 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

Ms. LaVonda M. Pearson, Town Clerk

Exhibit 1: Town General Plan Designations



ORDINANCE NO. 378

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL APPROVE DEVELOPMENT CODE AMENDMENT NO. 2007-004 TO ZONE AREAS WITHIN THE TOWN'S SPHERE OF INFLUENCE AND AREAS OUTSIDE THE TOWN'S SPHERE OF INFLUENCE AND AMEND THE DEVELOPMENT CODE AS IT PERTAINS TO ZONING IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND OPEN SPACE AREAS AND RESIDENTIAL DEVELOPMENT STANDARDS.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by approving the proposed zoning designations of the Sphere of Influence and territory north of the Town boundaries, amend Table A of Section 9.05.030-A "Zoning Districts", amend Section 9.05.110 "Prezoning", amend Section 9.28.010 "Purpose and General Plan Consistency", amend Section 9.28.020 "Residential Districts", amend Section 9.28.040 "Site Development Standards", amend Section 9.35.010 "Purpose and General Plan Consistency", amend Section 9.45.010 "Purpose and General Plan Consistency" and amend Section 9.55.010 "Purpose and General Plan Consistency".

WHEREAS, on February 29, 2008 Development Code Amendment No. 2007-004 was duly noticed in the Apple Valley News and the Daily Press, both are newspapers of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including the Initial Study on file with the Economic and Community Development Department and any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, proposed Development Code Amendment No. 2007-004 is consistent with General Plan Amendment No. 2007-007 and is consistent with Town of Apple Valley General Plan and Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

WHEREAS, the Town Council conducted a duly noticed public hearing on March 11, 2008, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the planning Commission on the matter.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Development Code Amendment No. 2007-004 is not anticipated to have a significant impact upon the environment with the mitigation measures and, therefore, the Town Council of the Town of Apple Valley adopts a Negative Declaration for Development Code Amendment No. 2007-004.

Section 2. Development Code Amendment No. 2007-004 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 3. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, finds that the change proposed by Development Code Amendment No. 2007-004 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 4. The Town Council does hereby amend that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by zoning approximately 122,921 acres of land located outside the Town boundary, to the north, east and south of the Town limits and amending the Zoning Map to include this area as identified on Exhibit 1.

Section 5. Add footnote No. 1 of Table A "Zoning Districts" of Section 9.05.030 "Zoning Districts" of Chapter 9.05 "Zoning" of the Development Code to read as follows:

¹ Suffixes apply to zoned lands in the sphere of influence and to the north of the Town limits. These suffixes denote the minimum acreage per lot, as described in Chapter 9.28.

Section 6. Amend subsection B. of Section 9.05.110 "Prezoning" of Chapter 9.05 "Zoning" of the Development Code to read as follows:

9.05.110 Prezoning

B. Upon passage of an ordinance establishing the applicable prezoning designation for property outside the Town, the official Zoning Districts Map shall be revised to show the prezoning classification to become effective upon annexation.

Section 7. Amend paragraphs 9 and 10 and add paragraph 11 to subsection A "Purpose" of Section 9.28.010 "Purpose and General Plan Consistency" of Chapter 9.28 "Residential Districts" of the Development Code to read as follows:

9. To maintain a minimum lot size throughout the Town of 18,000 net square feet per new parcel unless a specific plan or planned unit development is submitted for consideration;
10. To create a clear and consistent set of standards to assist the development community in comprehending applicable General Plan policies and the Town's intent with regard to regulating residential development; and
11. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 8. Amend subsection A "Very Low Density Residential (R-VLD)" of Section 9.28.020 "Residential Districts" of Chapter 9.28 "Residential Districts" of the Development Code to read as follows:

- A. Very Low Density Residential (R-VLD).** This district is intended for very low density, single family detached housing development with a minimum lot size of five (5) gross acres per unit. This area is suited for agriculture, animal keeping and equestrian uses, but because of environmental constraints or lack of services these uses must occur at low intensities. This zoning district implements the General Plan Very Low Density Residential (R-VLD) land use designation density of five (5) or more gross acres per dwelling unit. For zoned lands outside the Town limits, suffixes have been applied which denote the minimum acreage required in the zone.

Section 9. Add footnote No. 15 of Table A "Site Development Standards" of Section 9.28.040 "Site Development Standards" of Chapter 9.28 "Residential Districts" of the Development Code to read as follows:

- (15) For lands located outside the Town limits, the following minimum lot sizes shall apply (see Zoning Map).
- | | |
|----------|--------------------------|
| R-VLD/10 | 10 acre minimum lot size |
| R-VLD/20 | 20 acre minimum lot size |
| R-VLD/40 | 40 acre minimum lot size |

Section 10. Add paragraph 8 of subsection A of Section 9.32.010 "Purpose and General Plan Consistency" of Chapter 9.35 "Commercial Districts" of the Development Code to read as follows:

8. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 11. Add paragraph 7 of subsection A "Purpose" of Section 9.45.010 "Purpose and General Plan Consistency" of Chapter 9.45 "Industrial Districts" of the Development Code to read as follows:

7. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 12. Add paragraph 11 of subsection A "Purpose" of Section 9.55.010 "Purpose and General Plan Consistency" of Chapter 9.55 "Open Space Districts" of the Development Code to read as follows:

11. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 13. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 14. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 15. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 25th day of March, 2008.

ATTEST:

Honorable Timothy Jasper, Mayor

Ms. La Vonda M. Pearson, Town Clerk

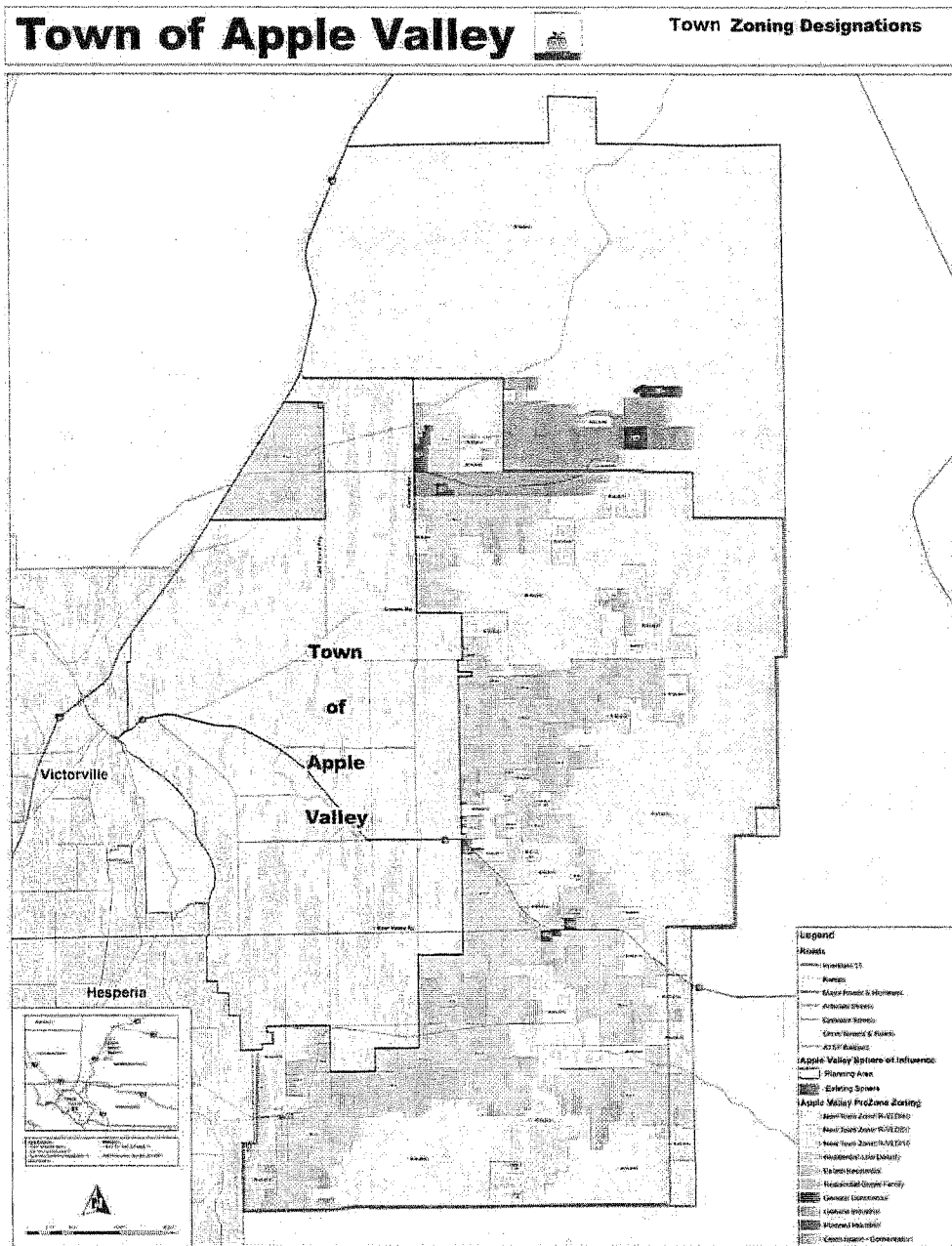
Approved as to form:

Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James Cox, Town Manager

Exhibit 1: Town Zoning Designations



**TOWN OF APPLE VALLEY
INITIAL STUDY**

1. **Project Title:** General Plan Amendment No. GPA 2007-007, Zone Change No. ZC 2007-004, Sphere of Influence and Planning Area Pre-Zoning Project
2. **Lead Agency Name:** Town of Apple Valley
Address: 14955 Dale Evans Parkway
Apple Valley, CA 92307
3. **Contact Person:** Lori Lamson
Assistant Director, Community and Economic Development
Phone Number: 760-240-7000
4. **Project Location**
(Address/Nearest cross-streets):

All of Sections 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Township 7 North, Range 2 West; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Township 6 North, Range 2 West; all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, Township 5 North, Range 2 West; all of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, Township 4 North, Range 2 West; all or portions of Sections 1, 2, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, Township 4 North, Range 3 West; all or portions of Sections 1, 12, 13, 24, 25, 36, Township 5 North, Range 3 West; all or portions of Sections 1, 2, 5, 7, 8, 11, 12, 13, 14, 17, 18, 23, 24, 25, 26, 36, Township 6 North, Range 3 West; all or portions of Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36, Township 7 North, Range 3 West; and a portion of Section 13, Township 6 North, Range 4 West, SBBM, as shown on Exhibit A.
5. **Project Sponsor:** Town of Apple Valley
Address: 14955 Dale Evans Parkway
Apple Valley, CA 92307
6. **General Plan Designation:** Various, see below.
7. **Description of Project** (Describe the whole action involved, including, but not limited to, later phases of the project and any secondary, support, or off-site feature necessary for its implementation. Attach additional sheets, if necessary):

The Town of Apple Valley is proposing the designation of land use categories and zoning designations on lands currently in its sphere of influence, as established by the Local Agency Formation Commission, and lands outside its corporate limits and its sphere of influence but of concern to the Town's long term growth potential. The lands in the sphere are generally located to the east and south, with a small portion located to the west. The lands outside the sphere of influence are located to the north of the Town's current corporate limits. Please see Exhibit A for a pictorial depiction of the affected area.

**TOWN OF APPLE VALLEY
INITIAL STUDY**

All lands being considered for this action will be assigned General Plan designations and zoning designations equivalent to those currently occurring under the County's jurisdiction. No changes are currently proposed. The equivalency table below illustrates the changes.

**Table 1
Town of Apple Valley
Proposed General Plan and Zoning Designations**

San Bernardino County Designation	Density (Units/Acre)	Apple Valley General Plan Designation	Apple Valley Pre-Zoning Designation
Rural Living (RL)	1/2.5 AC	R-LD	R-LD
RL-5	1/5 AC	R-LD	R-LD
RL-10	1/10 AC	R-VLD	New Town Zone: R-VLD/10
RL-20	1/20 AC	R-VLD	New Town Zone: R-VLD/20
RL-40	1/40 AC	R-VLD	New Town Zone: R-VLD/40
Single Family (RS-1)	1/1 AC	R-LD	R-LD
Agriculture (AG)	1/10 AC	R-VLD	New Town Zone: R-VLD/10
Resource Conservation	1/40 AC	R-VLD	New Town Zone: R-VLD/40
General Commercial		C-G	C-G
Neighborhood Commercial		C-G	C-G
Community Industrial		I-P	I-P
Regional Industrial		I-G	I-G
Floodway		OS-C	OS-C

As shown in the Table, all of the General Plan designations will be transferred to existing Town General Plan designations. The proposed project also includes the creation of new Development Code (Zoning) standards to accommodate the County's current acreage minimums. A Development Code Amendment is proposed to allow suffixes on the R-VLD designation, designating the minimum lot size in each zone.

The acreage proposed for General Plan designation and Pre-Zoning totals 122,921.2 acres, as shown in Table 2. Tables 2, 3 and 4 illustrate the acreage under existing County General Plan designations; the acreage under proposed Town General Plan designations; and the acreage under proposed Town Zoning designations, respectively.

**TOWN OF APPLE VALLEY
INITIAL STUDY**

Table 2 Acreage Under San Bernardino County General Plan Designations	
County Designations	Acres
Rural Living 1du/40ac	1,450.6
Rural Living 1du/20ac	7,465.7
Rural Living 1du/10ac	2,429.7
Rural Living 1du/5ac	5,221.3
Rural Living	21,940.4
Single Family	24.3
Single Family 1du/ac	3,851.3
Single Family 14,000 sqft.	48.5
General Commercial	96.3
Neighborhood Commercial	43.4
Regional Industrial	4,450.7
Community Industrial	624.6
Floodway	698.1
Agriculture	1,991.6
Resource Conservation	72,584.7
Total	122,921.2

Table 3 Acreage Under Proposed Town of Apple Valley General Plan Designations	
Apple Valley General Plan Designation	Acres
Residential - Very Low Density	85,922.2
Residential - Low Density	31,085.9
General Commercial	139.7
General Industrial	4,450.7
Planned Industrial	624.6
Open Space - Conservation	698.1
Total	122,921.2

**TOWN OF APPLE VALLEY
INITIAL STUDY**

Table 4 Acreage Under Proposed Town of Apple Valley Zoning Designations	
Apple Valley Zoning Designation	Acres
Very Low Density 1du/40ac.	74,035.2
Very Low Density 1du/20ac.	7,465.7
Very Low Density 1du/10ac.	4,421.3
Residential - Low Density	31,085.9
General Commercial	139.7
General Industrial	4,450.7
Planned Industrial	624.6
Open Space – Conservation	698.1
Total	122,921.2

The purpose of the project is to establish General Plan and Zoning designations required by the Local Agency Formation Commission, provide General Plan and Zoning designations for areas of interest outside of the Town limits and allow the Town to participate in the development review process for projects which remain in the County, but are located on the lands involved in the current action. No development is planned as part of the proposed project, and no immediate annexation action is foreseen.

8. Surrounding Land Uses and Setting:

Lands to the south and west of the proposed project area are in the Town of Apple Valley, and consist of a mix of low density residential, industrial park, commercial and institutional uses.

Lands to the north and east of the project area are primarily vacant, with extremely limited development occurring on scattered parcels. These lands are under the jurisdiction of the County of San Bernardino.

9. Other agencies whose approval is required (e.g., permits, finance approval, or participation agreement):

None.

**TOWN OF APPLE VALLEY
INITIAL STUDY**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

On the basis of this Initial Study, the City of San Bernardino Environmental Review Committee finds:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

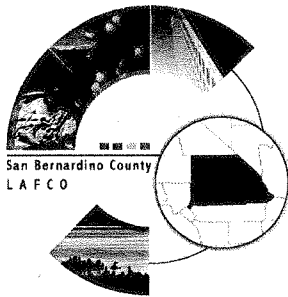
☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____

Date _____

Printed Name _____

For _____



LOCAL AGENCY FORMATION COMMISSION

215 North "D" Street, Suite 204 • San Bernardino, CA 92415-0490

(909) 383-9900 • Fax (909) 383-9901

E-mail: lafco@lafco.sbcounty.gov • www.sbclafco.org

Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

March 11, 2008

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City Member

RICHARD P. PEARSON
Public Member

Kenneth J. Henderson

Director of Economic and Community Development

Town of Apple Valley

14955 Dale Evans Parkway

Apple Valley, CA 92307

RE: Letter of March 10, 2008 Related to "Town of Apple Valley
Sphere of Influence Project"

Dear Mr. Henderson:

ALTERNATES

JAMES V. CURATALO
Special District

BRAD MITZELFELT
Board of Supervisors

A.R. "TONY" SEDANO
Public Member

DIANE WILLIAMS
City Member

Thank you for your letter dated March 10th received today clarifying the Town's position on the comments received on the "Town of Apple Valley Sphere of Influence Project" from myself and the Commission's environmental consultant, Mr. Tom Dodson. I have reviewed this letter with the LAFCO Legal Counsel, Clark Alsop, and wanted to provide three clarifications to the information included as they were general comments regarding a General Plan Amendment and Zone Change not tied to a project:

STAFF

KATHLEEN ROLLINGS-McDONALD
Executive Officer

SAMUEL MARTINEZ
LAFCO Analyst

MICHAEL TUERPE
LAFCO Analyst

ANNA M. RAEF
Clerk to the Commission

ANGELA M. SCHELL
Deputy Clerk to the Commission

REBECCA LOWERY
Deputy Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

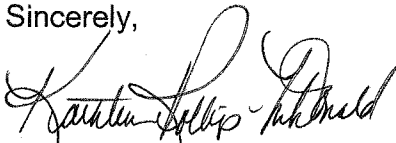
1. Second Bullet on page 2 of the letter states "...and that LAFCO is not a responsible agency with regard to the General Plan Amendment and Pre-zone." This was a general statement applying to a general plan amendment and pre-zone not tied to a specific project going to LAFCO, such as an annexation or a sphere of influence amendment (not an update). The discussion with Mr. Kuperberg indicated that there was no tie to a future project with LAFCO.
2. Fourth bullet on page 2 of the letter. Again this was a general statement applying to a General Plan Amendment and Pre-zoning not tied to a future project to be reviewed by LAFCO. If the General Plan Amendment and Pre-zoning relate to a sphere of influence amendment or annexation there would be a nexus.

3. On page 1 of the letter in the second paragraph the statement is made "As such the Town is not obligated to comment on the issues raised in writing or verbally expresses." It is our opinion that any comment received would be responded to even with the notation that the comment is not relevant to the current review. It is our view that your letter is indicating that the comments we have provided are not relevant to the consideration.

With these comments LAFCO staff believes that this will provide closure on this issue. We will proceed to bring the Municipal Service Review for the community of Apple Valley and the Sphere of Influence Update for the Town of Apple Valley as soon as possible. The draft report on the Municipal Service Review will be forwarded to all affected agencies for review and comment by not later than the week of April 14th. We look forward to working with the Town and its staff in the future.

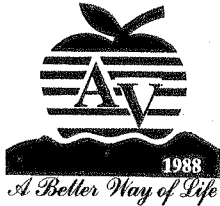
Should you have any questions related to this response, please do not hesitate to contact me at (909) 383-9900.

Sincerely,



KATHLEEN ROLLINGS-McDONALD
Executive Officer

Cc: Clark Alsop, LAFCO Legal Counsel
James Cox, Interim Town Manager
Lori Lamson, Assistant Director of Community Development



Town of Apple Valley

14955 Dale Evans Parkway • Apple Valley, California 92307

March 10, 2008

RECEIVED
MAR 12 2008

Kathleen Rollings-McDonald,
Executive Officer
Local Agency Formation Commission
215 North D Street, Suite 204
San Bernardino, CA 92415-0490

LAFCO
San Bernardino County

Re: Response to comments regarding General Plan Amendment No. 2007-007 and Development Code Amendment No. 2007-004 – Town of Apple Valley Sphere of Influence project

Dear Ms. Rollings-McDonald:

Thank you for your response to the above mentioned project in the letters from you dated January 11, 2008 and Tom Dodson, LAFCO Environmental Consultant, dated January 12, 2008. This letter is in response to those letters and, additionally, to the concerns you voiced for the record, at the Planning Commission meeting on January 16, 2008 and at our January 22, 2008 meeting at the LAFCO offices with your staff and Lori Lamson, Assistant Director of Community Development, Nicole Criste, Vice President of Terra Nova Planning and Research, Inc., and myself.

It is the Town of Apple Valley's position that LAFCO is not a responsible agency for the Sphere of Influence project referenced above. As such, the Town is not obligated to comment on the issues raised in writing or verbally expresses. In our meeting with you on January 22, 2008, we explained the Town's position. At the end of the meeting we agreed, in effect, to disagree. As a result of the seeming impasse, the Town retained Joel Kuperberg of Rutan & Tucker to represent its interests in this matter. Mr. Kuperberg is considered an expert in land-use planning and development law, the Cortese-Knox-Hertzberg Act and extensive provisions of the Health & Safety Code having to do with General Plan and Housing Element Law.

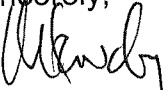
As part of our effort to obtain additional clarity on this issue regarding the LAFCO position, staff instructed Mr. Kuperberg to contact Clark Alsop, LAFCO General Counsel, and discuss with Mr. Alsop, the Town's positions and the case law and statutes underpinning the Town's positions. Mr. Alsop stated to Mr. Kuperberg that he fully agrees with the positions taken by the Town staff and Special Counsel and indicated the following:

- Apple Valley has the power as a municipality, without oversight from LAFCO, to conduct its General Plan Amendment and Pre-Zone;
- Mr. Alsop agreed that the General Plan Amendment and Pre-Zone are not tied or related to the pending Municipal Services Review (MSR) and Sphere of Influence (SOI) Review, and that LAFCO is not a responsible agency with regard to the General Plan Amendment and Pre-Zone;
- Mr. Alsop further agreed that LAFCO has an obligation to conduct the Municipal Services Review and the Sphere of Influence Review; and,
- Finally, Mr. Alsop discounted any nexus between Apple Valley's General Plan Amendment, Pre-Zoning and related CEQA, on the one hand, and the MSR and SOI for Apple Valley, on the other.

As for the letters that were provided by you and Mr. Dodson regarding this project, staff concurs with Mr. Dodson's assumption that LAFCO would be a "future" responsible agency for the annexation of any of the areas covered under this project, but disagrees with both letters regarding their presumption that a Negative Declaration would not be sufficient for CEQA compliance for this project. In General, the Town does not agree with Mr. Dodson's methodology, that there would be more than a significant impact to air quality, agricultural resources, aesthetics etc., if mitigation measures were not included as adopted by the County of San Bernardino. Both letters provide an argument that the land use designations of the County and the Land Use designations being adopted by the Town are not the same, which is fundamentally incorrect. The actual name of the land use designation may be different, but the density and land uses identified are the same. The County will remain as the permitting agency for any future development within the Sphere of Influence and, as such, the implementation of any mitigation measures adopted through the County General Plan process would only be appropriate if implemented by the County. The Town does not have jurisdiction to implement these Mitigation Measures, nor is it the Town's responsibility to do so on territory that is not under its control. This information has been provided in the Initial Study and clearly demonstrates that there is no intention of changing any of the land use designations or zoning of the Sphere of Influence or areas outside the Town's current Sphere of Influence as stated in the project description.

This letter should bring closure to this issue and we will await the processing of the MSR and SOI review by LAFCO staff. However, if you would like to like discuss this issue or the processing of the MSR and SOI review, staff would be available at our mutual convenience. Please contact Ms. Lamson to arrange such a meeting if this is your desire. Thanks again for LAFCO's input into this process.

Sincerely,



Kenneth J. Henderson,
Director of Economic and Community Development

c: Town Council
James L. Cox, Interim Town Manager
Lori Lamson, Assistant Director of Community Development

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



January 12, 2008

Ms. Lori Lamson
Town of Apple Valley
Community Development Department
14955 Dale Evans Parkway
Apple Valley, CA 92307

RECEIVED
JAN 17 2008

LAFCO
San Bernardino County

Re: Comments on GPA 2007-007, etc.

On behalf of the Local Agency Formation Commission (LAFCO), I reviewed the subject Initial Study for the Town of Apple Valley General Plan Amendment No. GPA 2007-007, Change of Zone No. 2007-004, Sphere of Influence and Planning area Pre-Zoning Project. The project description is so limited that it is difficult, if not impossible, to make an impact forecast. The intent of the California Environmental Quality Act (CEQA) is to define the potential physical environmental effects related to an action, i.e., a project, that is being proposed for implementation or permits by a Lead Agency. As described in detail in the following comments, the project is not sufficiently defined in this Initial Study to allow a specific impact forecast with sufficient adequacy to meet CEQA requirements. Because LAFCO will function as a future Responsible Agency for second-tier actions under the Town's environmental review and determination, it is essential that greater detail be incorporated into the analysis for this project so that some meaningful predictions and analysis can be compiled. The following suggestions are provided for the Town's consideration in revising this Initial Study before a final environmental determination is made.

1. Page IS-1: It appears that the City has assumed that the analysis in the most recent County General Plan EIR is sufficient to support the findings in the Initial Study. In fact, without defining the general effects of using the Town's land use designations and General Plan policies relative to the County's land use designation and pertinent General Plan policies it is not possible to forecast or analyze potential impacts of the action. Further, without bringing forward the specific data relied upon in the County's General Plan in relation to the area, it is not possible to determine whether the findings in the remainder of the Initial Study are accurate or adequate. At a minimum I suggest that the following data be added to the project description:
 - For each of the land use designations in the County and the Town, the specific density of residences or square footage of industrial/commercial development needs to be defined. For example

3013

if the County's Rural Living density allows 1 residential unit per 40 acres, what does the Town's replacement density allow, or alternatively, within the industrial designation in both jurisdictions, what is the allowed floor area ratio (FAR). After providing the basic information for all of the land use designations, the Town must compile any difference in number of number of residential units and square footage of industrial/commercial development that would be allowed. Only then can a quantified realistic estimate of the project's impacts be made. Without such data the generalized, tabular comparison of physical change cannot be calculated in this Initial Study.

- The total amount of acreage within the Town's sphere and outside of the Town's sphere need to be defined. It is not clearly defined in the project description and it is essential to future use of the Town's Initial Study by LAFCO.
 - The final component of the project description which needs to be included is a comparative evaluation of General Plan policies between the Town's General Plan and the County's General Plan. Without such information, it is impossible to determine whether assigning a Town land use in place of the County's land use will have an adverse impact. This is especially important for future annexations and plan of service evaluations by the Town for such annexations. As a simple example, if the Town's General Plan policy calls for extending sewer service to development of a certain intensity and the County's criteria are different, then this results in different impacts that need to be analyzed in the Initial Study. For example, the County may have assumed some specific volume of wastewater would be generated from the project area and this may be within the capacity of the wastewater treatment agency. However, if the Town's policies are different and result in twice as much wastewater being generated, then the impact on the wastewater treatment provider may be substantially different. Without a comparative evaluation of policy differences between the two entities it is not possible to determine whether the analysis in the County General Plan EIR is adequate or appropriate for the Town to rely upon. Ultimately, as the Town and LAFCO consider future public and utility services to the area encompassed by the project, these data are essential to consider now, not later.
2. Page IS-9: The conclusion that the approval of the proposed project will have no impact on aesthetics is not substantiated. For example if the density of development is greater under Town land use designations, then the visual effect of future development will be different. Are there differences in height of structures in the development codes of the County and Town? Are there

different setbacks required in one jurisdiction versus the other? Are there other General Plan policies or development code requirement differences between the two jurisdictions that could cause substantive aesthetic differences between the two jurisdictions? Looking at County aesthetic analyses, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific locations in the County's General Plan or General Plan EIR that may be identified as significant scenic vistas or scenic roadways that are not treated the same in the Town's General Plan and development code? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the aesthetic issue to the future, when the prezone designation is an essential step in allowing such aesthetic impacts to occur in the future.

3. Page IS-7: The conclusion that the approval of the proposed project will have no impact on agricultural resources is not substantiated. For example are there any prime agricultural soils, important farmlands, or other agricultural resources within the area being prezoned? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on such resources needs to be identified. Within the Town, do some areas retain a designation that would permit agricultural activities? If so, then do the County and Town have development code requirements for agricultural uses that would be different? Looking at County agricultural resource analyses, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific locations in the County's General Plan or General Plan EIR that may be identified as significant agricultural resources that are not treated the same in the Town's General Plan and development code? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the agricultural resource issue to the future, when the prezone designation is an essential step in allowing such agricultural resources impacts to occur in the future.
4. Page IS-8: The conclusion that the approval of the proposed project will have no impact on air quality is not substantiated. For example does air quality exceed standards in the MDAQMD? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater emissions than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on air quality needs to be calculated. Do the County and Town have development code requirements for air quality that would be different? Looking at County air

quality analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific highly air polluting uses that are not allowed in the project area in the County's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the air quality issue to the future, when the prezone designation is an essential step in allowing such air quality impacts to occur in the future.

5. Page IS-9: The conclusion that the approval of the proposed project will have no impact on biological resources is not substantiated. For example, are there significant biological resources within the project area? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts to biological resources than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on biological resources needs to be calculated. Do the County and Town have development code requirements for biological resource management issues that would be different? Looking at County biological resource analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of biological resources that are protected in the County's General Plan that are not protected in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the biological resources to the future, when the prezone designation is an essential step in allowing such biological resource impacts to occur in the future.
6. Page IS-10: The conclusion that the approval of the proposed project will have no impact on cultural resources is not substantiated. For example, are there significant cultural resources that are known to occur within the project area? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts to cultural resources than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on cultural resources needs to be estimated. Do the County and Town have development code requirements for cultural resource management issues that would be different? Looking at County cultural resource analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of cultural resources that are protected in the County's General Plan that are not protected in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis

instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the cultural resources to the future, when the prezone designation is an essential step in allowing such cultural resource impacts to occur in the future.

7. Page IS-11: The conclusion that the approval of the proposed project will have no impact on geology and soil resources or resource constraints is not substantiated. For example, are there significant geotechnical or soil constraints within the project area? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts due to such constraints than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on and from geology and soil resources needs to be assessed. Do the County and Town have development code requirements for geology and soil resource management issues and constraints that would be different? Looking at County geology and soil resource analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of geological or soil constraints or resources that are in the County's General Plan that are not protected or observed in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the geology and soil issues to the future, when the prezone designation is an essential step in allowing such geology and soil impacts to occur in the future.
8. Page IS-14: The conclusion that the approval of the proposed project will have no impact on hazards and hazardous material issues is not substantiated. For example, are there significant site with known contamination or with airport-related hazards within the project area? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts due to hazards than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on hazards or hazardous material issues needs to be calculated. Do the County and Town have development code requirements for hazards or hazardous materials management issues that would be different? Looking at County hazards and hazardous materials issue analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of hazard constraints that are protected in the County's General Plan that are not protected in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any

analysis of the hazards and hazardous material issues to the future, when the prezone designation is an essential step in allowing such hazard or hazardous material issue impacts to occur in the future.

9. Page IS-15: The conclusion that the approval of the proposed project will have no impact on area hydrology and water quality issues is not substantiated. For example, are there significant hydrology constraints within the project area? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts to hydrology or water quality issues than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on hydrology or water quality issues (particularly increases in stormwater runoff and protection from water quality degradation) needs to be calculated. Do the County and Town have development code requirements for drainage or water quality management issues that would be different? Looking at County hydrology or water quality issue analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of hydrology or water quality issues in the project area that are protected in the County's General Plan that are not protected in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the hydrology and water quality issues to the future, when the prezone designation is an essential step in allowing such hydrology and water quality impacts to occur in the future.
10. Page IS-17: The conclusion that the approval of the proposed project will have no impact on mineral resources is not substantiated. For example, are there significant mineral resources or mining activities within the project area? If so, are there differences in development or operation under the Town's land use designations and zone designations that could result in greater impacts to mining or mineral resources than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on mineral resources needs to be calculated. Do the County and Town have development code requirements for mineral resource management issues that would be different? Looking at County mineral resource analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of mineral resources that are protected in the County's General Plan that are not protected in the Town's General Plan? Are there areas of mining that have been assigned buffers within the County General Plan that are not assigned adequate buffers under the Town's General Plan and development code. These are

substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of mineral resources to the future, when the prezone designation is an essential step in allowing such mineral resource or mining impacts to occur in the future.

11. Page IS-18: The conclusion that the approval of the proposed project will have no impact on noise issues is not substantiated. For example, are there area with significant noise constraints within the project area? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts due to noise constraints or noise impacts than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on noise issues/constraints needs to be calculated. Do the County and Town have development code requirements for noise management issues that would be different? Looking at the County noise analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of significant noise that are protected in the County's General Plan that are not protected in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the noise constraints and issues to the future, when the prezone designation is an essential step in allowing such noise impacts to occur in the future.
12. Page IS-19: The population and housing issues are of particular concern to LAFCO because they are tied to future service levels within the project area. The conclusion that the approval of the proposed project will have no impact on population or housing resources is not substantiated. Are there differences in development under the Town's land use designations and zone designations that could result in greater population and housing impacts than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on population and housing resources needs to be calculated. Do the County and Town have development code requirements for population and housing management issues that would be different? For example, do either County or Town allow second residences to support elderly family members? Looking at County the population and housing analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? In the text, on this page for example, there are mitigation measures that are referenced in the County General Plan EIR, but no discussion on whether such measures are being carried over into the Town's proposed project. These are substantive issues that the Initial

Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the population and housing issues to the future, when the prezone designation is an essential step in allowing such population and housing impacts to occur in the future, with indirect effects on public services, utilities, traffic and all other man-made infrastructure systems.

13. Page IS-20: The conclusion that the approval of the proposed project will have no impact on public service issues is not substantiated. Without an accurate estimate of future population and housing within the project area based on worst case development under both the County's specific land use designations and the Town's land use designations, it is not possible to forecast impacts on public services. Further, without a discussion of differences in the level of service provided for each public service within both the County and Town, it is not possible to determine whether the findings in the County General Plan EIR are accurate. As a simple example, if the County assumes .5 law officers per 1,000 population and the City assumes 1.0 law officers per 1000 population, then the amount of police protection resources required for each jurisdiction would be dramatically different. For example, are there significant public service deficiencies within the project area under the County compared to the Town? If so, then the analysis in the County General Plan EIR for public services is inadequate to rely upon by the City. If there are differences in development under the Town's land use designations and zone designations that could result in greater impacts to public services due to demand than allowed under the County's General Plan additional impact analysis and adequacy of future funding to provide such services is needed? Do the County and Town have development code requirements for public service management issues that would be different? Looking at County public service analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study and they are of particular importance to the LAFCO. It is inappropriate to defer any analysis of the public service issues to the future, when the prezone designation is an essential step in allowing such demand for public services to occur in the future.
14. Page IS-21: The conclusion that the approval of the proposed project will have no impact on recreation resources is not substantiated. For example, are there significant recreation resources (such as off-road vehicle uses) within the project area that may conflict with Town land use designations? If so, are there differences in development under the Town's land use designations and zone designations that could result in greater impacts to recreational resources than allowed under the County's General Plan? If not,

provide the substantiation; if so, then the effect of developing in accordance with prezone designations on recreation resources needs to be calculated. Do the County and Town have development code requirements for recreational resource management issues that would be different? Looking at County recreation resource analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of recreation activities that are protected in the County's General Plan that are not protected in the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of the recreation resources to the future, when the prezone designation is an essential step in allowing such recreational resource conflicts or impacts to occur in the future.

15. Page IS-22: The conclusion that the approval of the proposed project will have no impact on transportation and traffic issues is not substantiated. For example, are specific circulation system improvements identified in the County's circulation system element that are identified within the project area? If so, are there differences in the circulation system under the Town's land use designations and zone designations that could result in greater impacts to traffic or the transportation system than allowed under the County's General Plan? If not, provide the substantiation; if so, then the effect of developing in accordance with prezone designations on traffic and the transportation system needs to be identified. Do the County and Town have development code requirements for traffic and transportation management issues that would be different? Looking at County transportation and traffic analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? Are there specific areas of circulation system that are essential to the County's General Plan circulation that are not carried forward into the Town's General Plan? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study. It is inappropriate to defer any analysis of future traffic and the required circulation system in the future, when the prezone designation is an essential step in allowing such transportation and traffic impacts to occur in the future.
16. Page IS-23: The conclusion that the approval of the proposed project will have no impact on utilities and service system issues is not substantiated. Without an accurate estimate of future population and housing within the project area based on worst case development under both the County's specific land use designations and the Town's land use designations, it is not possible to forecast impacts on utilities and other service systems. Further, without a discussion of differences in the level of service provided for each

utility that will provide service to the project area within both the County and Town, it is not possible to determine whether the findings in the County General Plan EIR are accurate. As a simple example, if the County assumes water consumption of 100 gallons per capita per day and the City assumes 150 gallons per capita per day within its jurisdiction, then the amount of water resources required for each jurisdiction would be dramatically different. For example, are there significant public service deficiencies within the project area under the County compared to the Town? If so, then the analysis in the County General Plan EIR for public services is inadequate to rely upon by the City. If there are differences in development under the Town's land use designations and zone designations that could result in greater impacts to public services due to demand than allowed under the County's General Plan, additional impact analysis and adequacy of future utility supply and infrastructure to provide such services is needed? Do the County and Town have development code requirements for utility service management issues that would be different? Looking at County utility and service system analysis, are there mitigation measures in the County General Plan EIR that may not be carried over into the Town? These are substantive issues that the Initial Study needs to resolve through analysis instead of relying on unsupported conclusions in the Initial Study and they are of particular importance to the LAFCO. It is inappropriate to defer any analysis of the utility and service system issues to the future, when the prezone designation is an essential step in allowing such demand for utilities and service systems to occur in the future.

Based on the comments presented above, it is my strong opinion that the ability to rely upon other environmental analysis for an area not yet prezoned by the Town can only be accomplished when the land use designations are exactly the same; when the Town specifically demonstrates that policies and development code requirements can not result in different levels of development; and when the Town carries over and adopts all mitigation measures applicable to the project area from the other environmental document. My supposition is that after analysis, the above assumptions will demonstrate an actual difference in impacts within the project area from the Town's prezone. However, if I am wrong, then the data to demonstrate the Town's assumptions are correct has not been provided within the Initial Study to present the Town's citizens, its decision makers and LAFCO that the findings in the Initial Study are correct. In the comments provided above, I have attempted to identify the information that I believe is essential to clearly define what impacts will result from the proposed prezone for the area already within the Town's sphere and that which the City is seeking to encompass into its future sphere.

The present document is not adequate in its present form and if asked, I would indicate that it should not be relied upon for future annexations that may be submitted to LAFCO for review and approval. I would recommend that additional analyses be performed to address the questions identified above for any such application for annexation. Should you have any questions, please give me a call. I am available to provide some direct assistance in completing an adequate CEQA analysis upon request to LAFCO.

Sincerely,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson

cc: Kathleen Rollings-McDonald



LOCAL AGENCY FORMATION COMMISSION

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Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

January 11, 2008

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Lori Lamson, Assistant Community Development Director
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

RE: Notice of Intent to Adopt a Negative Declaration for General Plan Amendment No. GPA 2007-007, Change of Zone No. 2007-004, Sphere of Influence and Planning Area Pre-Zoning project

Dear Ms. Lamson:

The Local Agency Formation Commission (LAFCO) received the abovementioned document on December 26, 2007, which is scheduled to be heard on January 16, 2008 by the Town's Planning Commission. A copy of this document has also been forwarded to the Commission's Environmental Consultant, Tom Dodson and Associates, who may respond under a separate cover. After reviewing the document, LAFCO has the following comments and/or concerns:

Project Title:

The project description indicates that the proposal will require a Development Code Amendment to accommodate the new suffixes for the R-VLD designation. Therefore, LAFCO believes that the title should identify the Development Code Amendment action that is being undertaken.

Project Location/Map:

The project description describes areas that are being assigned land use designations within its existing Sphere of Influence and in areas currently outside its sphere. It would be helpful to identify specifically which areas are within its sphere and those areas that are currently outside by separately defining the location of both areas.

The map provided with the document identifies the existing sphere and the area described for expansion as being the current sphere. The map needs to be redrawn to clearly reflect the existing sphere of influence and the area of interest for a proposed future expansion of the sphere of influence application.

In addition, in identifying the different areas by Sections, Township and Ranges, the Town failed to identify that a portion of Section 6, Township 6 North, Range 3 West, is a part of the proposal and is currently a part of its existing sphere.

Aside from just identifying the total acreages for the zoning designations as identified in Tables 1, 2 and 3, it would also be helpful if a map is provided showing the areas where these proposed General Plan/Pre-Zone designations are being assigned.

Surrounding Land Uses and Setting:

The information did not identify that the areas primarily on the north and portions on the east are Bureau of Land Management (BLM) lands. LAFCO believes this information is relevant since most of the lands owned by BLM are highly restricted with little or no development potential.

Other agencies whose approval is required:

The document did not identify LAFCO as an agency requiring approval for the sphere of influence expansion proposal. A sphere designation is a planning tool that LAFCO assigns to an agency. In this case, the sphere expansion proposal for the Town is an action that will require LAFCO approval in the future.

Initial Study

The Notice of Intent identifies that the proposal is a Mitigated Negative Declaration (page 2); however, the assessment for the project as identified in the Initial Study indicates that the project will be a Negative Declaration with no impacts. This discrepancy needs to be corrected. However, it should also be noted that LAFCO does not agree with the statement that there are no impacts associated with the proposal as the substantiation in the Initial Study states. The impacts identified in the County General Plan were less than significant as defined by the EIR and this document should tie off that determination.

Understanding the implications of assigning pre-zone and General Plan designations for the Town's Sphere of Influence, and expanding its sphere, is essential in forecasting the potential environmental effects of the proposal. The Town is obligated to evaluate the plans necessary to serve its sphere area in the future and should be able to provide information on how it will do so. The following questions need to be evaluated: What type of services is the Town

planning to provide? What types of services are currently available that can be extended into the sphere area? These are just some of the questions that lead to potential indirect effects, which need to be evaluated in the document.

The documents identify that the Town is proposing to carry over the County's General Plan land use designations for its sphere designation. However, the Town's development standards are different from the County development standards. Therefore, this clearly has an impact on the proposed pre-zoning and General Plan designation and should be evaluated by the initial study.

In addition, the Town is proposing a new Town designation in order to accommodate the County's Resource Conservation land use designation. The document identifies the use of residential – very low density. However, the County definition of Resource Conservation indicates the assignment for preservation of open space, watershed and wildlife habitat areas (a copy of the land use definition is attached). The designation of this area is approximately 59% of the sphere area (72,584.7 acres). Although similar in that the proposed land use assignment (per Development Code Amendment) restricts the minimum lot sizes to 40 acres, the County's Resource Conservation land use designation is clearly not the same as the Town's Residential – Very Low Density pre-zoning and General Plan designation. This change should be evaluated in the environmental document.

The effects of the pre-zoning on the other elements of the Town General Plan – circulation element, housing element, etc – have not been addressed in the materials provided. In the LAFCO staff opinion the need for update of these elements should be identified and addressed in the environmental discussion.

Under specific elements of the Initial Study:

(a) Land Use and Planning – as discussed earlier in this letter, this section needs to be evaluated thoroughly.

(b) Population and Housing – The County General Plan EIR found that build out would result in less than significant impacts, with the implementation of mitigation measures. The initial study goes on to state that build out would result in similar impacts since the County and Town land uses would be consistent. Therefore it is inappropriate to check the no impact box and the applicable mitigation measures should be identified.

(c) Public Services – As outlined above, the less than significant impacts should be the box checked, not the "no impact" box. In addition, the County does not collect development impact fees in the unincorporated sphere of influence so there would be an impact due to lack of funding for an increased population.

(d) Transportation/Traffic – it states in the text “less than significant impacts”; however, the “no impact” box is checked.

(e) Mandatory Findings of Significance, page 24 – The substantiation reads “consistent development standards, as those which currently occur in the County.” However, the Town has different development standards than the County and the Town is not modifying its development standards within the project area. This should be clarified and evaluated in this document.

If you have any questions concerning the information outlined above, please do not hesitate to contact me at (909) 383-9900. Please maintain LAFCO on your distribution list to receive further information related to this application.

Sincerely,



KATHLEEN ROLLINGS-McDONALD
Executive Officer

cc: Tom Dodson, Tom Dodson & Associates, LAFCO Environmental Consultant
Jim Cox, Town Manager, Town of Apple Valley
Kenneth J. Henderson, Community and Economic Development Director,
Town of Apple Valley



8,567.51 acres (0.48 percent), Floodway occupying 20,281 acres (1.13 percent), and Specific Plan occupying 4,861.37 acres (0.27 percent). LU-2 summarizes the primary purpose and intended uses of each land use zoning district. The districts are further defined in the following subsections.

The following Land Use Designations are presented on the Land Use Diagram. These General Plan Land Use Designations describe the extent of the uses of land within the County. They include standards of population density and building intensity, in conformance with Section 65302(a) of the Government Code. These Land Use Designations are hereby adopted and incorporated into the 2007 General Plan.

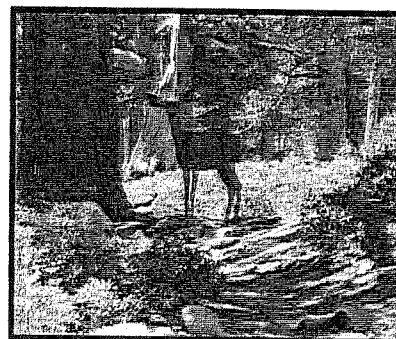
B. RESOURCE CONSERVATION (RC) LAND USE ZONING DISTRICT

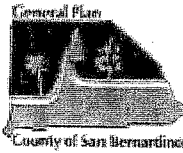
1. PURPOSE

- To encourage limited rural development that maximizes preservation of open space, watershed and wildlife habitat areas.
- To identify areas where rural residences may be established on lands with limited grazing potential but which have significant open space values.
- To prevent inappropriate urban population densities in remote and/or hazardous areas of the County.
- To establish areas where open space and non-agricultural activities are the primary use of the land, but where agriculture and compatible uses may co-exist.

2. LOCATIONAL CRITERIA

- Areas generally distant from urban centers with existing land uses including limited grazing, passive public and private recreation areas, rural residences and vacation cabins and watershed, wildlife and open space uses.
- Areas with steep terrain and limited access.





- Areas with high scenic values.
- Areas with limited or no infrastructure facilities and where none are planned within the next twenty years.
- Areas within any Hazard Protection and/or Resource Preservation Overlay except Agriculture Preserve (AP) Overlay.
- Areas where development rights have been transferred to other areas via development approvals and set aside for open space and recreation uses.
- Areas shown on the Open Space Map in which limited development may occur while maintaining desired open space values.

3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

On the average, there are 4.82 persons per household in the unincorporated portions of the Valley Planning Region, 2.54 persons per household in the Mountain Planning Region and 2.68 persons per household in the Desert Planning Region. The MPDA, per square mile, for this district for the Valley, Mountain and Desert Planning Regions are approximately 77 persons, 41 persons, and 43 persons, respectively.

C. AGRICULTURE (AG) LAND USE ZONING DISTRICT

1. PURPOSE

- To recognize commercial agriculture as a desirable land use type and a major segment of the County's economic base.
- To identify areas where agriculture is the primary land use but where other secondary uses that directly support agricultural uses may be permitted.
- To preserve the agricultural base of the County economy and encourage the open space values of these uses.
- To provide areas for both intensive and extensive agricultural pursuits.
- To identify areas of commercial (prime and non-prime) agricultural soils and operations.